

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard M. Chesbrough et al.

Title: APPARATUS AND METHOD FOR IMPLANTING A PRELOADED
LOCALIZATION WIRE

App. No.: 10/707,043 Filed: November 17, 2003

Examiner: Ellsworth Weatherby Group Art Unit: 3768

Atty. Dkt. No.: 1122-289-PDD-07-31-US

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

The USPTO has restricted claims 1-82 of this application into Group I (claims 1-75) and Group II (claims 76-82).

Applicant(s) elect the claims of Group I (claims 1-75) and provisionally withdraw the non-elected claims of Group II. The restriction is respectfully traversed in order to preserve the issue for subsequent petition since the examination of all of the claims is not believed to create an undue burden on the USPTO and that the subject matter among the groups is not independent and distinct as required by statute. Furthermore, different classifications as recited by the USPTO are not independent adequate grounds for restriction since the USPTO has historically examined applications containing multiple sets of claims.

In summary, Applicant(s) elect the claims of Group I for further prosecution and provisionally withdraw the non-elected claims from consideration. Reconsideration and further prosecution on the merits of at least the claims of Group I are respectfully requested.

10-30-2007
Date

Respectfully submitted,

Chad M. Herring
Chad M. Herring, Reg. No. 41,067
Attorney for Applicant(s)
LARSON NEWMAN ABEL
POLANSKY & WHITE, LLP
5914 West Courtyard Drive, Suite 200
Austin, Texas 78730
(512) 439-7100 (phone)
(512) 439-7199 (fax)